

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

In re:)	
)	Case No.: 12-83490-JAC11
ADEPT Technologies, LLC,)	
)	Chapter 11
Debtor.)	

OBJECTION TO CONFIRMATION OF DEBTOR'S PLAN OF REORGANIZATION

Comes now, BIRMINGHAM CITY WIDE LOCAL DEVELOPMENT COMPANY, INC. (hereinafter "BCW") and SOUTHERN DEVELOPMENT COUNCIL, INC. (hereinafter "SDC"), by and through counsel, and jointly OBJECT to confirmation of Debtor ADEPT TECHNOLOGIES, LLC's (hereinafter "Debtor") February 28, 2013 Plan of Reorganization under Chapter 11 of the U.S. Bankruptcy Code (the "Plan.") In support thereof, movants state as follows:

1. The Plan does not meet the requirements of 11 USC §1129.
2. Under the Plan's provisions, Class 3.03 consists only of SDC's allowed secured claim.
Since SDC cast its ballot rejecting the Plan, Class 3.03 has failed to accept the Plan.
3. Under the Plan's provisions, Class 3.04 consists only of SDC's allowed secured claim.
Since SDC cast its ballot rejecting the Plan, Class 3.04 has failed to accept the Plan.
4. Paragraph 3.04 of Article III sets for that SDC shall retain its lien on property located at 527 Plummer Road, Huntsville, AL. As set fort in SDC's proof of claim and supporting exhibits, SDC's note is not secured by the property located at 527 Plummer Road. SDC's note is instead secured by a mortgage on property located at 141 Nick Flitchard Road, Huntsville, AL. The Plan does not provide for SDC's retention of their security interest in the property located at 141 Nick Flitchard Road.
5. As evidenced by its Proof of Claim and supporting exhibits, BCW holds a secured

claim in the amount of \$133,633.63. BCW's note is secured by a mortgage on the property located at 527 Plummer Road, Huntsville, AL. The Plan fails to address BCW's secured claim and instead provides that the 527 Plummer Road property securing the note should serve as security for one of the two secured claims of SDC.

6. Classes 3.03 and 3.04 are impaired under the Plan, as set forth in Article III.
7. The Plan fails to meet the requirements of 11 USC§1129(a)(8.)
8. The Plan fails to meet the requirements of 11 USC§1129(a)(7.)
9. The Plan's treatment of Classes 3.03 and 3.04 are not fair and equitable and it should not be confirmed under 1129(b.)
10. By failing to address the secured claim of BCW or to provide adequate protection of BCW's interest in the property being retained and used by the debtor, the Plan fails to meet the requirements of 11 USC §363 and §1123.
11. The Plan is not feasible.
12. The Plan is not in the best interests of creditors.
13. The Plan does not meet the requirements of the Absolute Priority Rule.

/s/ Jonathan E. Raulston

Jonathan E. Raulston (RAU001)
Attorney for Movants

OF COUNSEL:

ENGEL, HAIRSTON & JOHANSON, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing instrument has been served by, e-file, email or via United States mail, first-class, postage pre-paid on the attorneys or parties listed below on this the 15th day of July, 2013.

/s/ Jonathan E. Raulston

Attorney for Debtor:

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